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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/786,213      | 05/21/2001  | Hiroji Yoshida       | 81833.0027          | 6580             |

26021 7590 11/26/2004  
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500 S. GRAND AVENUE  
SUITE 1900  
LOS ANGELES, CA 90071-2611

EXAMINER

BOYD, JENNIFER A

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

1771

DATE MAILED: 11/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/786,213

Applicant(s)

YOSHIDA ET AL.

Examiner

Jennifer A Boyd

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. The Applicant's Amendments and Accompanying Remarks, filed September 16, 2004, have been entered and have been carefully considered. Claims 1 – 17 and 19 – 20 are cancelled and claim 18 is amended and is only claim currently pending. In view of Applicant's amendment requiring that the fiber lumps are shaped with a minor axis of 2 to 100 mm, the Examiner withdraws the previously set forth rejection as detailed in paragraph 4 of the Office Action dated June 17, 2004. After another search, additional prior art has been found which renders the claims as currently drafted unpatentable for reasons herein below.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 102***

3. Claim 18 is rejected under 35 U.S.C. 102(b) as being anticipated by Synder et al. (US 5,218,740)

Synder is directed to a method of making ball-shaped or other rounded fiber clusters that have a density that may be controlled as desired (Abstract). Synder teaches that the rounded clusters made from staple fiber are useful for filling purposes (column 1, lines 15 – 20). Synder teaches that the mass of lofty rounded staple fiber clusters have an average dimension of about 1 to 15 mm (column 3, lines 45 – 50). Synder notes if making a bonded support article the staple fiber fed into the main cylinder may be a blend of polyester fiberfill and other high melting fiber

Art Unit: 1771

blended with lower melting binder fiber (column 3, lines 20 – 27). Synder notes that the clusters are randomly arranged and entwined (column 3, lines 50 – 60). It should be noted that the Examiner equates the bonded support article formed of fiber clusters to Applicant's "non-woven fabric". According to Complete Textile Glossary, a "nonwoven fabric" is an assembly of textile fibers held together by mechanical interlocking in a random web or mat, by fusing of the fibers in the case of thermoplastic fibers or by the bonding with a cementing medium. Synder teaches that the clusters are composed of staple fiber and are bonded together by means of fusing the low melt fibers with the other fibers. For this reasoning, the Examiner submits that the bonded support article is equivalent to Applicant's "non-woven fabric".

#### ***Response to Arguments***

4. Applicant's arguments with respect to claim 18 has been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ogino (US 4,164,534) is directed to a method of producing lumps of tangled fibers (Title). Ogino teaches that short filaments are whirled in a vessel with air to create entanglements of filaments into ball-like lumps (Abstract). Ogino notes that the product is useful for heat and or sound insulation (Abstract). Ogino teaches in the Background of the Invention that typically the insulation can be nonwoven form (column 1, lines 10 – 15). Ogino teaches that the fibers can be glass but also may be a combination of two or more kinds of fibers (column 2, lines 45 – 58).

Art Unit: 1771

Ogino teaches that the shape and size of the individual fiber lumps may be varied by varying the design and operating condition of the cyclone (column 3, lines 6 – 10). In the Example, Ogino teaches that the fiber lumps have a diameter of 2 to 15 mm (column 3, lines 25 – 30). Ogino fails to specifically teach that the fibers can comprise a mix of fibers wherein one fiber type has a lower melting point than that of the other fibers and the fiber lumps are substantially bonded at portions of contact.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

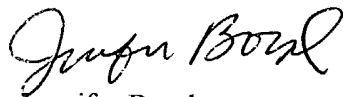
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A Boyd whose telephone number is 571-272-1473. The examiner can normally be reached on Monday thru Friday (8:30am - 6:00pm).

Art Unit: 1771

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jennifer Boyd  
November 17, 2004



TERREL MORRIS  
SUPERVISORY PATENT EXAMINER  
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